

### **REMARKS**

The claims of this application have been substantially amended. Essentially, the invention now describes how the specific circuitry of this device includes a torque measuring device, for measuring the torque in the supply pressure line, and the fluid return lines, so as to provide for those high and low pressure readings, which readings then are processed by high and low pressure transducers, the signals are differentiated, the span adjustment between the signal differentiation and zero adjustment is provided for further processing the signal, once the pressure has been converted from torque pressure to an electric signal, and which signal is then delivered to a panel meter, to display and read-out in foot-pounds of the amount of generated torque that is required to drive the anchor into the ground. And, there is a toggle switch that is operatively associated within the circuitry, comprising a double throw switch, each of the two settings for the double throw switch has an independent energy source, namely nine volt batteries, which when regulated, in the first instance, provides for operations of the various transducers to covert the detected pressure to an electric signal, processes that signal, through a differencing means, furnishes an adjustment to that detected signal, for delivery to a panel meter, which can be read and provides an indication in the analog of the amount of foot pounds generated, when the double throw switch is shifted to its second position where an independent source of charge provides energy for said display of the determined generated torque in foot-pounds.

The current invention is a torque measuring device, and its particular circuitry is quite distinct from that as shown and described in the Whitehouse reference. Whitehouse simply shows transducers, for providing a meter read-out, for an air tool, for the amount of torque indicated. Applicant's circuitry is still quite distinct from what is shown and described in Whitehouse, as the examiner noted, and in addition, applicant's specific circuitry includes different components, such as its double throw switch, for initiating the energization from

separate battery sources of the regulator, for providing a particular voltage to the transducer systems, and when the switch is shifted to its secondary position, delivers another energy to a panel meter, for display, in analog, of the detected and determined actual torque. This is not shown in Whitehouse, in any instance. And, even should Whitehouse be modified by Krechmery, Krechmery may teach the use of solid-state strain-gauges, and a pressure transducing device, this still falls short of describing the type of circuitry as used by applicant, for furnishing a precise actual torque read-out, in analog, which is something that is lacking in Whitehouse, in the first instance, even if Whitehouse should be modified by Krechmery. Hence, it is not believed that Krechmery, which simply shows a strain-gauge, would provide any modification to Whitehouse, which would provide answering structure to the claimed subject matter of applicant's invention, as now set forth in newly added claim 6.

As the examiner knows, obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting that combination. See *In Re Gieger*, 185 F.2d 686 (Fed. Cert. 1987).

There is nothing in Krechmery that would indicate how it could be provided within the structure of the Whitehouse device, and come up with anything that is closely related to the structured circuitry of applicant's device, in the first instance. Hence, even if somehow the strain-gauges of Krechmery should be added in place of the transducers, as shown in Whitehouse, you still would not have circuitry that furnishes signal differencing, span adjustment, panel meter read-outs, in the analog, all of which is processed by separate energy sources, through the operations of a double throw switch. These two references fall far short of providing that type of disclosure. Hence, not only does Krechmery lack many of the components of applicant's circuitry to produce torque measurement, in the manner of the currently claimed invention, there is nothing in Krechmery that would determine how it could be added into the structure of Whitehouse, other than the fact that Krechmery discloses in its background of the invention

that solid-state strain-gauges exist, and can be used in pressure sensing and pressure transducing devices.

The examiner further rejected claim 2, in the manner as done with respect to claims 1, 3 and 4, and further in view of Haldeman. Haldeman may teach the use of toggle switch elements, within its circuitry, for providing operations to an electromechanical dynamometer system, for use for measuring and regulating the performance of engines and motors, this is not the overall structure or field of invention of applicant's device, and applicant doesn't claim to be the first to use a switch in a circuitry, even in a measuring instrument, other than in the manner which it has been described as specifically used in newly added claim 6 for this application. Haldeman does not describe the use of his switches, nor suggest their application into applicant's type of device, or circuitry, for furnishing an analog printout in foot-pounds of the torque being applied by an installer when driving an earth anchor deep into the ground.

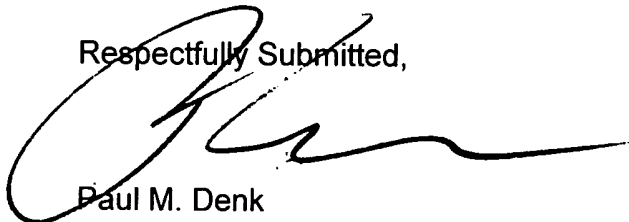
Hence, in view of the foregoing, it is submitted that newly added claim 6, and the detail of its circuitry as described for determining the make-up of applicant's torque measuring device, is just not rendered obvious in view of the various prior art cited by the examiner, whether viewed individually, or in combination.

The examiner further rejected claim 5 in view of the various prior art as previously cited, and further in view of Petrofsky. The examiner states that Petrofsky describes the use of a system of batteries. Petrofsky is a computer controlled hydraulic resistance device for prosthesis and other apparatus. This is a medical device for replacing a removed limb. The fact that Petrofsky may describe a system with batteries, to provide for a source of reliable and portable voltage, in a prosthetic device, it is submitted, is just not relevant to applicant's invention, and particularly as set forth in newly added claim 7. Claim 7 defines how separate battery sources can be applied, for furnishing controlled charge to either a regulator, when a double throw switch is positioned in one setting, for furnishing the charge necessary to provide for high and low pressure

transducing, signal differencing, and signal conversion, but that when the switch is in its second position, provides an independent charge for furnishing a panel display or meter, that provides a read-out, in the analog, of the foot-pounds of the amount of torque being applied by an installer when driving an earth anchor into the ground. It is submitted that this is quite distinct from what is set forth in Petrofsky, and it is a stretch far beyond any suggestion for the use of Petrofsky in an earth anchor driving device, for providing torque measurement, in the first instance. Hence, it is submitted that claim 7, as added, further defines patentable subject matter.

The examiner's further review of the remaining claims of this application is earnestly requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'P. Denk', with a large, sweeping initial 'P' and a horizontal line extending to the right.

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Enclosure